IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.45883 of 2008
KAILASH PRASAD SHARMA … … Petitioner
Versus
UNION OF INDIA THRU.C.B.I. … … Opp. Party
For the petitioner: Shri Akhileshwr Pd.Singh
For the C.B.I.: Shri Bipin Kr.Sinha, S.C.
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4. 18.12.2008 Heard.

The case relates to falsification of accounts by manufacturing report and false bills and making payment on that basis and misappropriation of public money in the Postal Department, i.e., within the jurisdiction of the Chief Post Master Genral, Bihar, Building Division, of which accused Arun Kumar Ekka was the Assistant Director. At the relevant time, the present petitioner Kailash Prasad Sharma was the Assistant Accounts Officer. Initially the case was in respect of rupees seven lacs and odd which was indicated in the F.I.R. to be the amount defalcated, but after investigating the entire racket what appears is that the defalcated amount could rise up to above a crore in different Financial Years as per details contained in the sanction order, a

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copy of which has been produced before me during the course of hearing by learned counsel appearing for the C.B.I. In such cases it may not be an unusual thing that the F.I.R. could be initially for a lesser sum which may ultimately rise up to a bigger sum on account of unearthing of the racket from the files of a particular department. As may appear from the facts collected on investigation, there was no requisition for any repairs, maintenance from anywhere in the Circle. There was no administrative approval of any work. There was no work order. There was no work allotted to anybody by inviting tenders. This petitioner Kailash Prasad Sharma appears the kingpin. He manipulated the bills himself overlooking all official hierarchy, prepared them, recommended for sanction and the same was granted by the Assistant Director, Building Division, namely, Arun Kumar Ekka.

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The plank of the argument is that accused Arun Kumar Ekka along with other concerned persons, like, B.N. Singh alias Baidyanath Singh and Funni Singh have been

admitted to bail by this Court in three different petitions considering the custody period of three months and like that. The contention is that the petitioner has remained in custody since 10.9.2008.

The Court has a definite opinion in such matters and that is the manner in which the defalcation is done. As has been done by the petitioner in the present case, the petitioner could be the central figure of the entire racket and he at least could not get an order to be released on bail.

This petition is dismissed.

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(Dharnidhar Jha, J.)

Kanth

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